

C.C.R.B CASE CLOSING FORM

Investigator assigned: Graizbord		Team: 6	CCRB#: 9900419	<input checked="" type="checkbox"/> Force <input type="checkbox"/> Discourtesy <input type="checkbox"/> Abuse <input type="checkbox"/> O.L. <input type="checkbox"/> Injury
Date of incident: 1/18/99	Time of incident: 6:40 PM	Location of incident: West 173rd Street, Manhattan	Pct. of occurrence: 033	Date S.O.L. Expires: 8/1/00
Date reported: 1/18/99	Time reported: 9:04 PM	To whom/where/how reported: Complaint initially made when § 87(2)(b) was in police custody on 1/18/99. Case was referred from IAB to CCRB on 1/28/99.		
Complainant: § 87(2)(b)		Home address: § 87(2)(b)		
Victim(s): § 87(2)(b)		Home address:		
Witness(es): § 87(2)(b)		Home address: § 87(2)(b)		
Subject officer(s) (include rank): Sgt. Patrick Cortright PO John Frank Tullo		Shield: 01827 13668	Tax: 910420 905198	Command: 033 033
Witness officer(s) (include rank): PO Kirsix Delacruz		Shield: 12065	Tax: 91557	Command: 033
Allegation(s) by letter: (A) Sgt. Patrick Cortright employed excessive force during the arrest of § 87(2)(b) in violation of Patrol Guide Procedure 104-01. (B) PO John Frank Tullo employed excessive force during the arrest of § 87(2)(b) in violation of Patrol Guide Procedure 104-01.				Recommendation(s): § 87(2)(g)

Synopsis

§ 87(2)(b) was arrested on January 18th, 1999. While in police custody § 87(2)(b) made a complaint against PO Tullo and Sgt. Cortright. § 87(2)(b) was never successfully contacted. § 87(2)(b) the witness in this case, provided the name of the attorney representing § 87(2)(b) § 87(2)(b) attorney, withdrew the complaint on behalf of his client in a conversation which was not audio-taped. After that conversation multiple calls and several faxes were sent to § 87(2)(b) explaining the need to record by audio-tape and/or in writing the withdrawal of his client's complaint. § 87(2)(b) never responded. § 87(2)(g)

Summary of Complaint

Seeing as § 87(2)(b) was never interviewed regarding this incident, the summary of his complaint is generated from the IAB Investigating Officer's Report (Log# 99-001002) and from the UF-245 for this incident.

According to the IAB Investigating Officer's Report, this incident began when § 87(2)(b) parked his vehicle at West 174th Street and Audubon Avenue to make some purchases. § 87(2)(b) left his girlfriend, § 87(2)(b) in the vehicle. Two officers, identified by IAB as Sgt. Patrick Cortright and PO John Tullo of the 33rd Precinct, noticed that the vehicle had a New Jersey license plate and Connecticut registration tags. § 87(2)(b) returned to the vehicle and after a brief interaction with the officers he fled. The officers followed him and tackled him to the ground. § 87(2)(b) was injured as a result of being detained by the officers. § 87(2)(b) was transported to the 33rd Precinct, and EMS responded, § 87(2)(b) was treated at § 87(2)(b). His injured included multiple facial contusions, a laceration to his right ear, a bitten right pointer finger, and a chipped tooth. § 87(2)(b) was released to police custody and was taken to Manhattan Central Booking for arraignment. § 87(2)(b) was arrested § 87(2)(a) 160.50 § 87(2)(b) was also arrested § 87(2)(a) 160.50 but was later released.

The IAB Log Synopsis Report for this incident indicates that Sgt. Cortright and PO Tullo stopped § 87(2)(b) vehicle and § 87(2)(b) exited his vehicle to speak to the officers but made "a sudden furtive movement back to car." At that point a scuffle ensued between § 87(2)(b) and the officers. It is also indicated that Sgt. Cortright observed a shiny metal object drop to the ground during the scuffle.

Results of Investigation

This case was received on January 29th, 1999. The UF-245 for this case, as well as the Log Synopsis Report received with the IAB referral, did not provide any phone number for the complainant. On February 1st, 1999, IAB was contacted to verify referral information. The only additional information provided was the address and phone number of a § 87(2)(b) of Hampton, Virginia. After several calls it was concluded that this number was incorrect.

Contact letters were sent to both the complainant, § 87(2)(b) and witness, § 87(2)(b) on 2/1/99, 2/4/99, 2/8/99, and 2/10/99.

The IAB case file was requested and was received on February 18th, 1999. It contained several photographs of § 87(2)(b) the Investigating Officer's Report, and included § 87(2)(b) phone number. § 87(2)(b) was contacted and stated that she was not aware that a complaint had been filed. She explained that § 87(2)(b) does not have a phone number, but verified that the address obtained was correct. § 87(2)(b) also stated that § 87(2)(b) had retained legal representation from § 87(2)(b) an attorney based in Manhattan, and indicated that he is in charge of § 87(2)(b) case. A first message was left for § 87(2)(b) on 2/18/99 at his office.

§ 87(2)(b) was called a total of five times [2/18, 2/22, 2/23, 2/26, and 3/ 4] before returning the messages. At 3:00PM on March 4th, 1999, § 87(2)(b) called and stated that he wished to withdraw this complaint on behalf of his client. § 87(2)(b)

§ 87(2)(b) This conversation was audio-taped, however, complications with the telephone recording device caused the recording of this conversation to be unclear. At this time, § 87(2)(b) was explained the process of withdrawal, and notified that he would be receiving a withdrawal letter to be signed and returned to the CCRB.

A withdrawal letter was faxed to § 87(2)(b) 3/4/99.

Since the conversation with § 87(2)(b) on March 4th, 1999, a total of five copies of the withdrawal letter have been faxed to § 87(2)(b) office [3/4, 3/22, 3/31, 4/5, 4/7]. Additionally, numerous attempts to contact § 87(2)(b) have been made. Calls were made to § 87(2)(b) office on 3/8, 3/10, 3/15, 3/19, 4/4, 4/6, 4/13, 4/14, 4/16, 5/3, and 5/10. During several of these calls members of § 87(2)(b) staff stated that § 87(2)(b) had received the previous messages as well as the copies of the withdrawal letter. A final copy of the withdrawal letter was mailed to § 87(2)(b) office on May 14, 1999.

Conclusions and Recommendations

§ 87(2)(g)

Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date:

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John P. Cipriano
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5/18/99

5/17/99